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Serial No.: 09/966,514  
Filed: September 27, 2001  
Customer No.: 23456

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Capstone Turbine Corporation  
Patent No.: 6,951,110  
Issue Date: October 4, 2005  
Serial No.: 09/966,514  
Filed: September 27, 2001  
For: Annular Recuperator Design  
Group Art Unit: 3746  
Examiner: Casaregola  
Attorney's Docket No. 153501-03902447US (#395)  
Customer No.: 23456

RECEIVED

APR 29 2008

OFFICE OF PETITIONS

**NOTICE OF ERROR IN SMALL ENTITY STATUS  
AND PAYMENT OF DEFICIENCY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following is submitted in accordance with 37 C.F.R. §1.28 to withdraw Applicant's claim to small entity status, to provide notification of a previous error in small entity status, and to pay the deficiency payment due resulting from the previous error.

**A. Each particular type of fee that was erroneously paid as small entity.**

1. The original filing fee paid on September 27, 2001 including the basic fee and excess claims fee was erroneously paid as small entity.
2. The extension of time fee paid with the Amendment filed on April 18, 2005 was erroneously paid as small entity.

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**B. The fees actually paid.**

1. The original filing fee actually paid was \$926.00 and was paid on September 27, 2001 simultaneous with the filing of the application.
2. A two-month extension of time fee of \$225.00 was actually paid on April 18, 2005.

**C. The deficiency amount owed.**

1. The large entity fee in effect today for the original filing of the application would be:

Basic filing fee =	\$310.00
Utility search fee =	\$510.00
Utility examination fee =	\$210.00
Claims in excess of 20 (64-20) x \$50 =	\$2,200.00
Independent claims = (4-3) x \$210.00 =	\$210.00
Multiple dependent claim fee =	<u>\$370.00</u>
TOTAL	\$3,810.00
Minus fee paid	<u>- \$926.00</u>
Deficiency owed	\$2,884.00

2. The large entity fee in effect today for a two-month extension of time is \$460.00, minus the \$225.00 actually paid, resulting in a deficiency owed of \$235.00.

**D. The total deficiency payment owed.**

The total deficiency payment owed is \$3,119.00.

A check for the deficiency amount of \$3,119.00 is being submitted herewith. Any further fees due in connection with this notice may be charged to Deposit Account 23-0035.

Respectfully submitted,



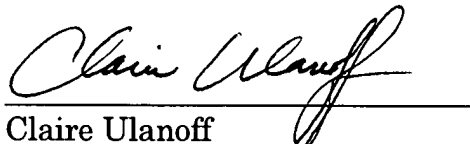
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(615) 242-2400

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this NOTICE OF ERROR IN SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY and check for \$3,119.00 for 09/966,514 having a filing date of September 27, 2001 are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 4/17/08

  
Claire Ulanoff

4/17/08  
Date